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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,343	08/26/2003	Kinya Kamiguchi	03500.017503.	3544
5514	7590	11/01/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			SANTIAGO, MARICELI	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			2879	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/647,343

**Applicant(s)**

KAMIGUCHI, KINYA

**Examiner**

Mariceli Santiago

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☒ Claim(s) 1, 2 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

The Amendment, filed on August 8, 2005, has been entered and acknowledged by the Examiner.

Claims 1-13 are pending in the instant application.

### ***Claim Objections***

Claims 1 and 2 are objected to because of the recitation "having conductivity" fails to indicate what kind of conductivity does it refers to, such as thermal or electrical. For examination purposes it will be construed as electrical conductivity. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawase (JP 2000-195449).

Regarding claim 9, Kawase discloses an airtight container (Figs. 16A-16B) comprising a first substrate (11) on which an electrode (100) is disposed, a second substrate (1) which is opposite to a surface of the first substrate on which the electrode is disposed, and

a structure (1301) which is bonded to the second substrate (1), and brought into direct or indirect contact with the electrode to supply a potential to the electrode,

wherein in the structure, a portion deformed by a lower pressure in an internal space between the first and second substrates than a pressure of an external atmosphere and a portion brought into indirect contact with the electrode are formed by bending one metal plate<sup>1</sup> member (Fig. 16B, paragraphs [0076-0081], element 1301 is made of 426 alloy, i.e., a metal).

Regarding claim 10, Kawase discloses an airtight container (Figs. 16A-16B) comprising a first substrate (11) on which an electrode (100) is disposed, a second substrate (1) which is opposite to a surface of the first substrate on which the electrode is disposed, and

a structure (1301) which is bonded to the second substrate, and brought into indirect contact with the electrode to supply a potential to the electrode,

wherein the structure (1301) is bonded to a surface, of the second substrate, opposite the first substrate, and the structure has a concave portion (Fig. 16B) which opened at a through-hole, to an external atmosphere to an internal space formed between the first and second substrates and closed at a bottom of the concave portion, and a portion bonded to second substrate, and having a first surface and a second surface opposite to the first surface, the first surface being a surface to be bonded to the second substrate, the second substrate being exposed to the external atmosphere (Figs. 16A-16B, paragraphs [0076-0081]).

Regarding claims 11 and 12, Kawase discloses an image display apparatus comprising an airtight container and an image display device arranged in the airtight container.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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<sup>1</sup> (n.) A smooth, flat, relatively thin, rigid body of uniform thickness

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawase (JP 2000-195449).

Regarding claim 1, Kawase discloses a method for manufacturing an airtight container having a space in which a pressure is lower than an outside pressure, between opposing first and second substrates (Figs. 16A-16B), comprising steps of

assembling the container having a space between the first substrate (11) and second substrate, the first substrate having an electrode (100) disposed on a surface to be facing the space, and the second substrate (1) having a metal plate-like structure (1301) for supplying a potential to the electrode, and

applying a pressure difference between inside and outside of the container assembled in the assembling step (paragraphs [0079-0081]),

wherein in the container before the applying step, the structure is opened to an external atmosphere at a through-hole penetrating the second substrate and closed at the end sections having conductivity (the structure is made of 426 alloy, paragraph [0076], thus made of a metal with predetermined conductivity), contacting the substrate, and wherein the pressure difference is brought in the applying step to elongate lengths of the structure in a direction in which the first and second substrates are opposed to each other (paragraphs [0079-0081]), whereby the structure is formed in a shape to enable supplying of a potential to the electrode through the structure (Figs. 16A-16B).

Kawase fails to disclose a structure having a concave portion before the applying step, instead Kawase discloses a plate-like metal structure deformed into a concave shape after the pressure difference is applied. However, one skilled in the art would reasonable contemplate the

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use of alternative shapes and/or contours of the claimed structure as long as the required elasticity of the structure is not compromised. It has been held that a change in shape is generally recognized as being within the level of ordinary skill in the art. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). Thus, it would have been obvious to one having ordinary skill in the art to incorporate a concave-shaped structure, since such a modification would have involve a mere change in the shape of a component.

Regarding claim 2, Kawase discloses a method for manufacturing an airtight container having a space, in which a pressure is lower than an outside pressure, between opposing first and second substrates, comprising steps of:

assembling the container having a space between the first substrate (11) and second substrate, the first substrate having an electrode (100) disposed on a surface to be facing the space, and the second substrate (1) having a metal plate-like structure (1301), having conductivity (the structure is made of 426 alloy, paragraph [0076], thus made of a metal with predetermined conductivity), for supplying a potential to the electrode, and

applying a pressure difference between inside and outside of the container assembled in the assembling step (paragraphs [0079-0081]),

the pressure difference is brought between inside and outside of the surface in the applying step to deform the surface (paragraphs [0079-0081]), whereby the structure is formed in a shape to enable supplying of a potential to the electrode through the structure (Figs. 16A-B).

Kawase fails to disclose the limitation of the structure surface having a curved shape between a portion of the structure bonded to the second substrate and a portion of the structure to be brought into direct or indirect contact with the electrode. However, one skilled in the art would reasonable contemplate the use of alternative shapes and/or contours of the claimed

structure as long as the required elasticity of the structure is not compromised. It has been held that a change in shape is generally recognized as being within the level of ordinary skill in the art. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). Thus, it would have been obvious to one having ordinary skill in the art to incorporate a structure with a curved surface, since such a modification would have involve a mere change in the shape and/or contour of a component.

Regarding claims 3 and 4, Kawase discloses a method wherein the portion to be brought into indirect contact with the electrode and the portion to be deformed of the structure are formed by bending one plate member (Fig. 16B).

Regarding claims 5 and 6, Kawase discloses a method wherein the portion to be brought into indirect contact with the electrode, the portion to be deformed, and the portion of the structure bonded to the second substrate are formed by bending one plate member (Fig. 16B).

Regarding claims 7 and 8, Kawase discloses a method for manufacturing an image display apparatus, by implementing the method for manufacturing an airtight container having an image display device inside as previously claimed.

#### ***Allowable Subject Matter***

Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 13, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 13, and specifically comprising the limitation of by bringing the pressure difference, the bottom of the concave portion is brought directly into contact with the electrode, the bottom of the concave portion is brought into contact with the

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electrode through a metal being more pliable than the electrode, or the bottom of the concave portion is brought into contact with the electrode through a conductive adhesive.

### ***Response to Arguments***

Applicant's arguments filed August 8, 2005 have been fully considered but they are not persuasive.

In response to applicant's arguments that the reference to Kawase fails to teach a metal plate member as the structure to supplying a potential to the electrode as stated in claim 9, the examiner respectfully disagrees. Kawase, at paragraph [0076], teaches the structure 1301 being made of 426 alloy material, thus, a metal material. Furthermore, it is considered that the metal 426 alloy comprises a predetermined electrical conductivity, thus, Kawase meet the limitation of "having conductivity" as required in claims 1 and 2.

In response to applicant's arguments that the reference to Kawase fails to teach the limitation of "the structure is bonded to a surface, of the second substrate, opposite the first substrate", the examiner respectfully disagrees. It is considered that the external substrate of the second substrate is opposite to the first substrate. Accordingly, the limitation is met by Kawase's teaching.

### ***Contact Information***

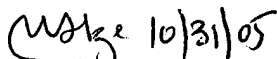
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariceli Santiago whose telephone number is (571) 272-2464. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Mariceli Santiago  
Primary Examiner  
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